

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLIVE B. HILGERT,

Plaintiff,

vs.

RODGER D. HILGERT, ASHLEY
LEVITT ANDERSON, KATRINKA E.
SCHNABEL HIGERT, and
CHRISTINE VANDERFORD,

Defendants.

8:19CV111

**MEMORANDUM
AND ORDER**

Plaintiff Clive B. Hilgert, a non-prisoner, filed a Motion for Leave to Proceed in Forma Pauperis (“IFP”) ([filing no. 2](#)) and a Motion for Separate and Independent Counsel for Each Defendant ([filing no. 3](#)). Upon review of Plaintiff’s IFP motion, the court finds that Plaintiff is financially eligible to proceed in forma pauperis.

Plaintiff also asks the court to issue an order requiring each Defendant to have separate and independent counsel. ([Filing No. 3](#).) Before this matter may proceed to service of process against the Defendants, the court must review Plaintiff’s in forma pauperis Complaint to determine whether summary dismissal is appropriate. *See* [28 U.S.C. § 1915\(e\)\(2\)](#). The court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#). This matter may not proceed to service of process unless so ordered by the court after conducting this initial review. Accordingly, the court will deny Plaintiff’s Motion for Separate and Independent Counsel for Each Defendant ([filing no. 3](#)) as

premature but without prejudice to reassertion should this matter proceed to service of process.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed in Forma Pauperis ([filing no. 2](#)) is granted, and the Complaint shall be filed without payment of fees.

2. Plaintiff's Motion for Separate and Independent Counsel for Each Defendant ([filing no. 3](#)) is denied without prejudice to reassertion.

3. Plaintiff is advised that the next step in his case will be for the court to conduct an initial review of his claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The court will conduct this initial review in its normal course of business.

Dated this 21st day of March, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge